

ASSEMBLY BILL

No. 468

Introduced by Assembly Member Jones

February 23, 2015

An act to amend Section 2356 of the Probate Code, relating to wards and conservatees.

LEGISLATIVE COUNSEL'S DIGEST

AB 468, as introduced, Jones. Wards and conservatees: mental health.

Existing law generally prescribes the extent of the powers and duties of guardians and conservators and limits those powers by prohibiting the involuntary commitment of a ward or conservatee to a mental health treatment facility, except as specified. Existing law requires the Director of State Hospitals to adopt and issue regulations defining “mental health treatment facility” for those purposes.

This bill would delete the requirement that the director adopt and issue regulations defining “mental health treatment facility” for those purposes.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2356 of the Probate Code is amended to
2 read:

3 2356. (a) ~~No~~A ward or conservatee ~~may~~ *shall not* be placed
4 in a mental health treatment facility under this division against ~~the~~
5 ~~his or her will of the ward or conservatee~~. Involuntary civil
6 placement of a ward or conservatee in a mental health treatment

1 facility may be obtained only pursuant to Chapter 2 (commencing
2 with Section 5150) or Chapter 3 (commencing with Section 5350)
3 of Part 1 of Division 5 of the Welfare and Institutions Code.
4 Nothing in this subdivision precludes the placing of a ward in a
5 state hospital under Section 6000 of the Welfare and Institutions
6 Code upon application of the guardian as provided in that section.
7 ~~The Director of State Hospitals shall adopt and issue regulations~~
8 ~~defining “mental health treatment facility” for the purposes of this~~
9 ~~subdivision.~~

10 (b) ~~No~~ *An* experimental drug as defined in Section 111515 of
11 the Health and Safety Code ~~may~~ *shall not* be prescribed for or
12 administered to a ward or conservatee under this division. ~~Such~~
13 *an* ~~An~~ experimental drug may be prescribed for or administered to
14 a ward or conservatee only as provided in Article 4 (commencing
15 with Section 111515) of Chapter 6 of Part 5 of Division 104 of
16 the Health and Safety Code.

17 (c) ~~No convulsive~~ *Convulsive* treatment as defined in Section
18 5325 of the Welfare and Institutions Code ~~may~~ *shall not* be
19 performed on a ward or conservatee under this division. Convulsive
20 treatment may be performed on a ward or conservatee only as
21 provided in Article 7 (commencing with Section 5325) of Chapter
22 2 of Part 1 of Division 5 of the Welfare and Institutions Code.

23 (d) ~~No~~ *A* minor ~~may~~ *shall not* be sterilized under this division.

24 (e) This chapter is subject to a valid and effective advance health
25 care directive under the Health Care Decisions Law (Division 4.7
26 (commencing with Section 4600)).